



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,834	06/23/2003	Shuuichi Yatabe	P27269	6237
7055 7590 11/28/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER KING, BRADLEY T				
ART UNIT		PAPER NUMBER		
3657				
NOTIFICATION DATE		DELIVERY MODE		
11/28/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

pto@gbpatent.com

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3
4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

7
8 *Ex parte* SHUUICHI YATABE
9

10
11 Appeal 2008-2135
12 Application 10/600,834
13 Technology Center 3600
14

15
16 Decided: November 25, 2008
17

18
19 *Before:* MURRIEL E.CRAWFORD, HUBER C. LORIN, and STEVEN
20 D.A. McCARTHY, *Administrative Patent Judges.*
21
22 CRAWFORD, *Administrative Patent Judge.*
23
24

25 DECISION ON APPEAL
26

27 STATEMENT OF CASE

28 Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection
29 of claims 1 to 18. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

30 Appellant invented a vacuum pressure booster including an annular
31 recess portion and an annular protruding portion of a pair of cylinder holding
32 portions (Specification 1, 26).

33 Claim 1 under appeal reads as follows:

34 1. (Previously Presented) A vacuum pressure booster comprising:
35 a booster shell;

1 a booster piston accommodated inside the booster shell and
2 partitioning the interior of the booster shell into a front side vacuum
3 pressure chamber communicating with a vacuum pressure source and
4 a rear side operation chamber;

5 a valve cylinder communicating with the booster piston, the valve
6 cylinder including:

7 a valve piston fitted into the valve cylinder to be slidable in a forward
8 and rearward direction of the valve cylinder;

9 an input rod coupling with the valve piston at a front end thereof;

10 a control valve switching communication of the operation chamber
11 with the vacuum pressure chamber and with air in accordance with a
12 forward and rearward movement of the input rod between the valve piston
13 and the valve cylinder; and

14 an input return spring for pushing the input rod backward, and the
15 control valve including:

16 an annular vacuum pressure introducing valve seat formed in the
17 valve cylinder;

18 an atmosphere introducing valve seat formed in the valve piston and
19 arranged inside the vacuum pressure introducing valve seat;

20 a valve body including: an annular attaching bead portion airtightly
21 attached to the valve cylinder; an expansion cylinder portion extending in
22 the axial direction from the attaching bead portion; and an annular valve
23 portion communicating with a forward end portion of the expansion cylinder
24 portion and opposed to the vacuum pressure introducing valve seat and the
25 atmosphere introducing valve seat so as to seat thereon; and

26 a valve spring for pushing the valve portion so as to seat on the
27 vacuum pressure introducing valve seat and the atmosphere introducing
28 valve seat,

1 wherein a first port communicating with the vacuum pressure
2 chamber is opened on the outer circumferential side of the vacuum pressure
3 introducing valve seat,

4 a second port communicating with the operation chamber is opened
5 between the vacuum pressure introducing valve seat and the atmosphere
6 introducing valve seat in such a manner that the inner circumferential side of
7 the valve portion is communicated with the atmosphere,

8 the attaching bead portion is tightly held between a pair of cylindrical
9 holding portions formed in a pair of valve holders attached to the valve
10 cylinder and engaging an inner circumferential face of the valve cylinder,

11 an annular recess portion and an annular protruding portion of the pair
12 of cylinder holding portions are elastically engaged with each other, and

13 a diameter of the cylindrical holding portions is smaller than the inner
14 diameter of the valve cylinder.

15 The Examiner rejected claims 1 to 18 under 35 U.S.C. § 102(b) as
16 being anticipated by Suzuki.¹

17 The prior art relied upon by the Examiner in rejecting the claims on
18 appeal is:

19 Suzuki 5,190,125 Mar. 2, 1993
20
21

22 Appellant contends that Suzuki does not disclose the subject matter of
23 claim 1. Specifically, Appellant contends that Suzuki does not disclose an
24 annular recess portion and an annular protruding portion of the pair of
25 cylinder holding portions elastically engaged with each other.

¹ The rejection of claims 19 and 21 under 35 U.S.C. § 112, second paragraph has been withdrawn (Answer 3).

ISSUES

Has Appellant shown that the Examiner erred in finding that Suzuki discloses cylinder holding portions which include an annular recess portion and an annular protruding portion?

FINDINGS OF FACT

Suzuki discloses a vacuum pressure booster comprising a valve body which includes a pair of cylindrical holding portions 131a and 131b (Figure 4). Cylindrical holding portion 131a has two recesses. One recess in the form of a circular groove has an O-ring 40 disposed therein. One recess engages a portion of valve element 22 (Figure 4). Cylindrical holding portion 131b discloses two legs that project outward, one such leg is labeled 131b in Figure 4. However, neither leg engages either recess portion of cylindrical holding portion 131a.

PRINCIPLES OF LAW

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. Inc. v. Union Oil Co.*, 814 F.2d 628, 631, (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772 (Fed. Cir. 1983), *cert. denied*, 465 U.S. 1026 (1984), it is only necessary for the claims to "'read on' something disclosed in the reference,

i.e., all limitations of the claim are found in the reference, or 'fully met' by
it."

ANALYSIS

As we found above, Suzuki does not disclose a pair of cylinder
holding portions having an annular recess portion and an annular protruding
portion elastically engaged with each other. As such, Suzuki does not
disclose the elements of claim 1 from which claims 2 to 18 depend.

CONCLUSION OF LAW

On the record before us, Appellant has shown that the Examiner erred
in finding that Suzuki anticipates the subject matter of claim 1. As such, we
will not sustain the Examiner's rejection of claim 1 and claims 2 to 18
dependent on claim 1.

REVERSED

JRG

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191